

The Impact of Changes in Monroe County Felony Case Prosecution

Project Safe Neighborhoods Working Paper # 23

May 11, 2006

John Klofas
Nicholas Petitti

Rochester Institute of Technology
475-2423
john.klofas@rit.edu

Purpose

The goal of this report is to examine the impact of recent changes in the prosecution of felony cases in Monroe County. In early 2004 the District Attorney made changes in policy regarding the prosecution of felony cases. Broadly speaking these included;

- a. restrictions on plea bargaining and,
- b. the near elimination of preliminary hearings.

The goal of this analysis is to see whether and to what extent these changes affected the processing of felony cases including how cases are adjudicated, the results of adjudication and the time it takes to dispose of cases. We expect that the 2004 data will contain a temporal delay that commonly follows policy change. This report is a follow-up to Working Paper #20 which examined the prosecution of cases in Monroe County and presented comparisons across the first quarters for the years 2003-2005.

Methods

This report uses a standard pre-test-post test research design, which compares outcomes before and after the policy changes.¹ The post-test data are comprised of case processing information for felony cases closed in 2005. This is the most recent and most complete of the currently available data. These data are compared with cases closed in the two previous years. Information from 2003 reflects cases closed under the previous District Attorney. 2004 data are transitional data and reflects cases closed during the process of changing policies under the current District Attorney.²

Findings

1. Felony arrests have fallen.

To consider the impact of policy changes we must first examine the pattern of felony arrests during the time periods under review.³

Table 1: MONROE COUNTY FELONY ARRESTS 2003-2005

	Arrest Year		
	2003	2004	2005
TOTAL	4,648	4,699	4,538
VIOLENT	1,239	1,212	1,230
DRUG	904	850	780
OTHER	2,505	2,637	2,528
FIREARM	351	319	319

Source: DCJS, Computerized Criminal History System (as of 1/06)

Note: Firearms are shown as a separate category because they are included in both the violent and other offense groupings.

The table above shows that in 2005 felony arrests fell overall and fell or were level in all but one category (violence). Felony drug arrests decreased in both of the last 2 years and felony firearm arrests fell in 2004 and leveled in 2005. From 2004 to 2005 total felony arrests fell 3.4%

2. While felony arrests have fallen, felony prosecutions have increased.

Table 2 below shows the number of cases disposed of by court level and the percentage prosecuted in the upper courts (therefore as felonies).

Table 2: MONROE COUNTY FELONY ARRESTS DISPOSED BY COURT TYPE

2003-2005

Felony Arrests	Dispo Year	Total	Court Type			% Prosecuted in Upper Courts
			Lower	Upper	Other*	
TOTAL	2003	4,808	1,945	1,939	924	40.3%
	2004	4,180	1,530	2,001	649	47.9%
	2005	4,252	1,337	2,356	559	55.4%
VIOLENT	2003	1,158	238	671	249	57.9%
	2004	1,133	231	674	228	59.5%
	2005	1,177	202	766	209	65.1%
DRUG	2003	1,045	349	462	234	44.2%
	2004	852	290	415	147	48.7%
	2005	781	263	386	132	49.4%
OTHER	2003	2,605	1,358	806	441	30.9%
	2004	2,195	1,009	912	274	41.5%
	2005	2,294	872	1,204	218	52.5%
FIREARM	2003	316	28	185	103	58.5%
	2004	287	26	180	81	62.7%
	2005	307	23	226	58	73.6%

Source: DCJS, Computerized Criminal History System (as of 1/06)

* The 'other' category primarily includes cases where the grand jury failed to indict (no true bills).

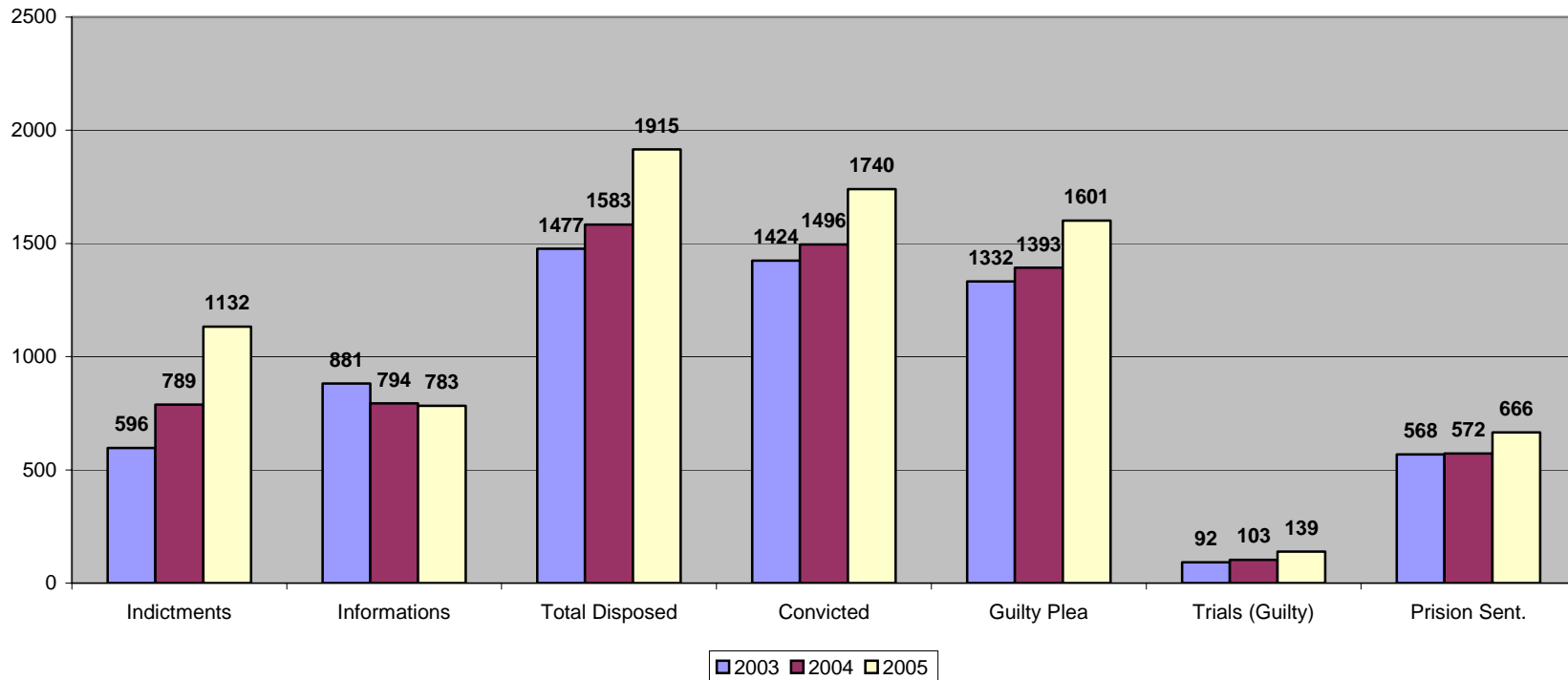
Note: Firearms are shown as a separate category because they are included in both the violent and other offense groupings.

Table 2 shows that the proportion of felony arrests disposed as felonies (i.e. upper court dispositions) has consecutively risen overall and for each category from 2003 to 2005. In 2005, 55% of all felony arrests were disposed as felonies, compared with about 40% in 2003 and 48% in 2004. By category of felony, the largest increases occurred within the “other felonies” category. In 2003, about 31% of all “other” felony arrests were disposed as felonies, as compared to 42% in 2004 and 53% in 2005. Among the target categories, the greatest proportional increase occurred among Firearms, where the proportion of felony arrests disposed as felonies increased from 58.5% in 2003 to 62.7% in 2004 to 73.6% in 2005.

In addition, year-to-year felony dispositions increased 21.5%, from 1,939 in 2003 to 2,356 in 2005. The largest year-to-year felony disposition increase in a single category occurred in the “other felonies” category, which rose 49.4%, from 806 in 2003 to 1,204 in 2005. Among the target categories, Firearm felony dispositions increased the most, at 22%, from 185 in 2003 to 226 in 2005.

3. Significant changes in felony processing and outcomes have occurred over the comparison time periods.

Chart 1: MONROE COUNTY FELONY DISPOSITIONS 2003-2005



The chart above shows that changes have occurred throughout felony case processing. Even with arrests down, the total for felony cases disposed of increased 21% from 2004 to 2005. During the same period, indictment⁴ dispositions rose 43.5% and information dispositions fell 1.8%. The number of convictions increased by 16.3%. Guilty pleas increased 15% and convictions through trials also increased, those by 34.9%, from 92 to 139. The chart also shows that sentences to state prison rose during this time period by 16.4%.

4. The level of informations has remained essentially flat. All other measures show significant increases in prosecution work level.

Chart 2: COMPARISON OF THE RATIO OF 2005/2003 OUTPUTS AND THE RATIO OF 2005/2004 OUTPUTS

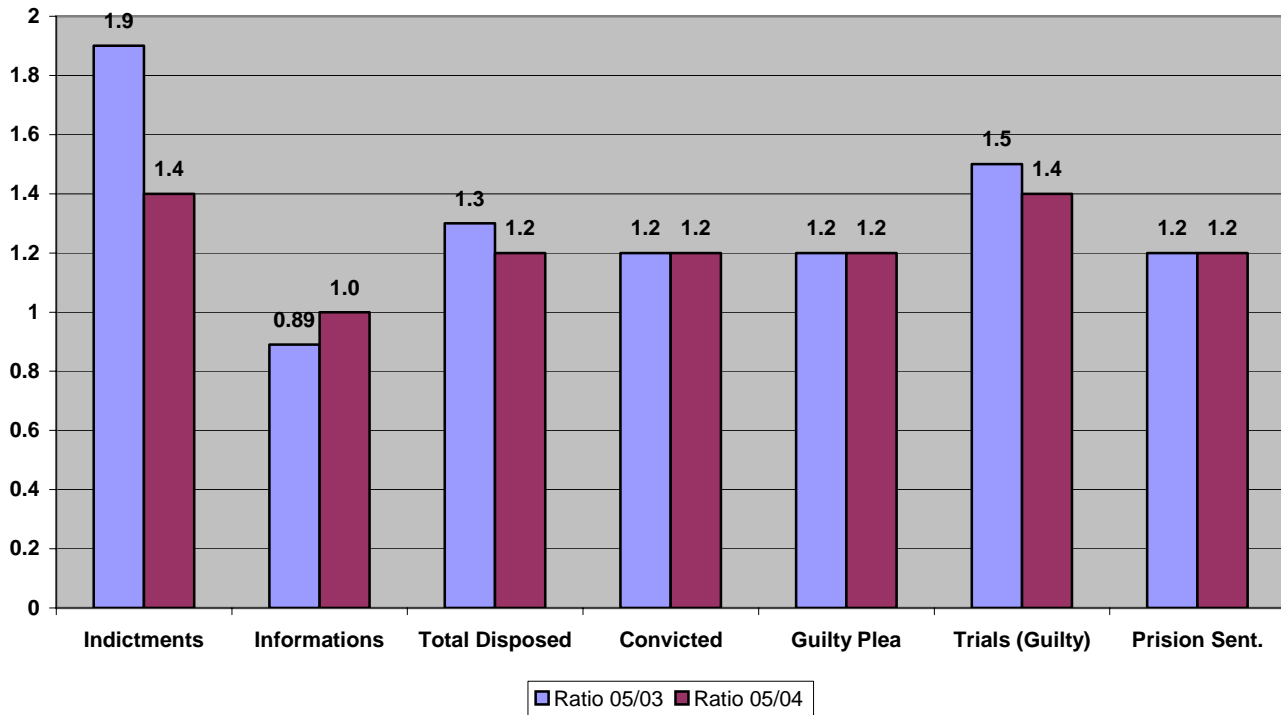


Chart 2 above shows that when comparing 2005 with 2003 all areas show increases except the level of informations. The total dispositions in 2005 are 1.3 times those of 2003. Indictments are 1.9 times the previous level. Sentences to prison are 1.2 times the number of 2003.

Similarly, when comparing 2005 with 2004 all areas show increases except the level of informations. The total dispositions in 2005 are 1.2 times those of 2004. Indictments are 1.4 times the previous level. Sentences to prison are also 1.2 times the number of 2004.

5. The pattern of small declines in Informations and increases in all other categories holds for all types of felony cases.

The Table below shows that in 2005 the pattern noted above holds for all major categories of felonies.⁵ Overall, drug felonies differ slightly with decreases in 2004 for total dispositions, in each disposition type, and in prison sentences. However, 2005 drug felonies did return to the pattern noted above. The highest number of cases and the largest increases are in the violent felony category.

Table 3: MONROE COUNTY FELONY CASES DISPOSED OF BY CATEGORY AND YEAR

2003-2005								
FELONY CASES	Dispo Year	Indictments	Informations	Total Dispo	Convicted	Guilty Pleas	Trials (Guilty)	Prison Sent.
TOTAL	2003	596	881	1,477	1,424	1,132	92	568
	2004	789	794	1,583	1,496	1,393	103	572
	2005	1,132	783	1,915	1,740	1,601	139	666
VIOLENT	2003	276	153	429	400	343	57	256
	2004	348	135	483	432	366	66	277
	2005	467	125	592	504	416	88	306
DRUG	2003	98	232	330	317	299	18	140
	2004	111	191	302	287	276	11	103
	2005	142	168	310	297	284	13	156
FIREARM *	2003	N/A	N/A	177	169	148	23	98
	2004	N/A	N/A	217	194	167	32	132
	2005	N/A	N/A	289	241	209	54	157

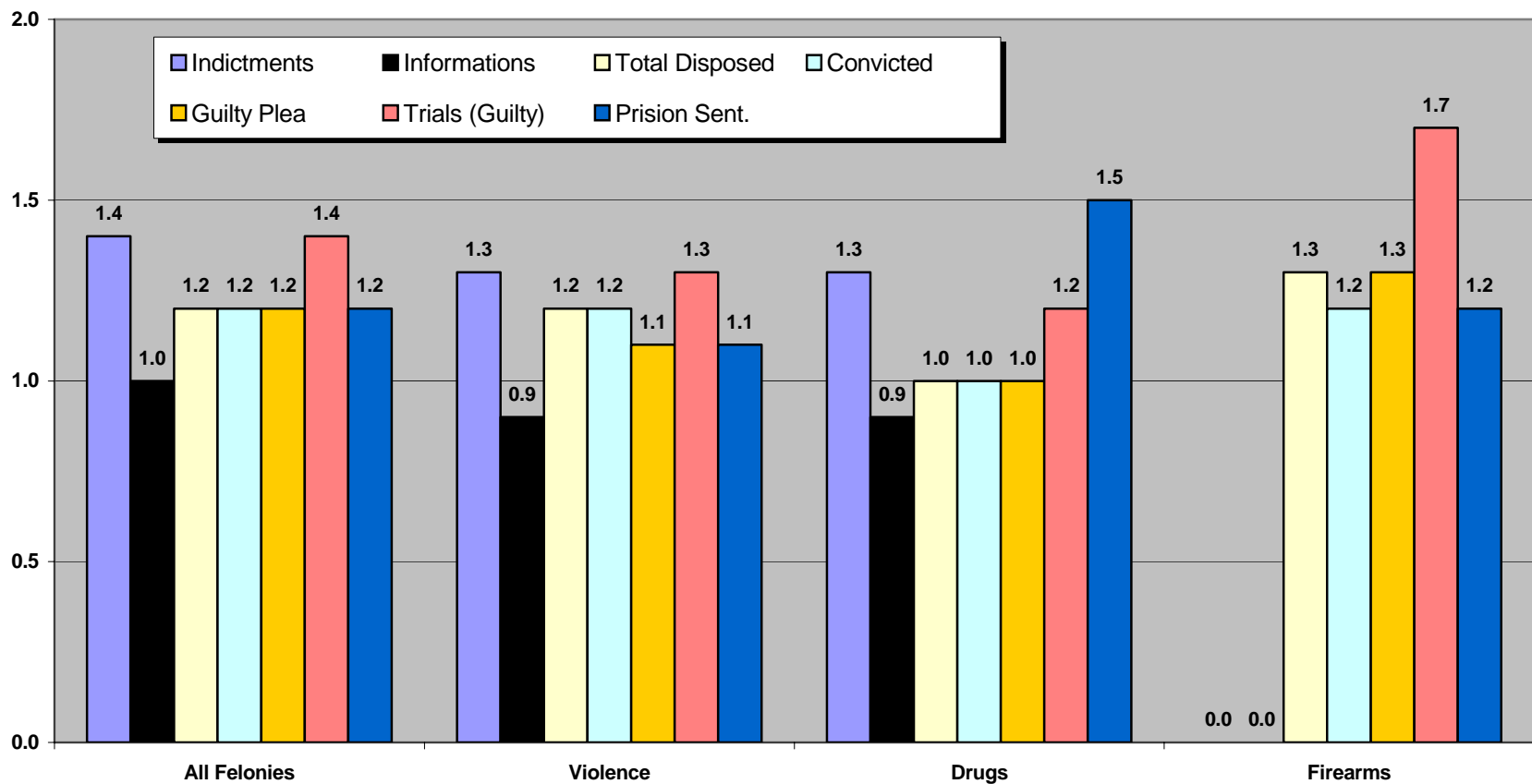
Source: Indictment Statistical System (Feb. 2006).

* Data for Firearm Indictments and Firearm Informations were not available for this time period.

Note: Firearms are shown as a separate category because they are included in both the violent and other offense groupings.

The chart below presents the information above as a ratio of 2005 activity to 2004 activity for the major categories of felony. It shows that like overall felonies, for violence, drugs and weapons felonies only informations fell. While trials increased most significantly for firearm offenses, drug felonies represented the most dramatic increase of prison sentences. For felony firearm offenses there were 1.3 times as many cases disposed, 1.2 times as many trials and 1.2 times as many prison sentences in 2005 than occurred in 2004.

Chart 3: RATIO OF 2005 TO 2004 FELONY CASE PROCESSING MEASURES BY TYPE OF FELONY



6. Increases in the raw numbers of cases disposed of, the number of convictions, and the severity of sanctions have been accompanied by small reductions in conviction rate and small shifts in the ways convictions are achieved.

Chart 4: RATES OF PROSECUTORIAL OUTCOMES 2003-2005

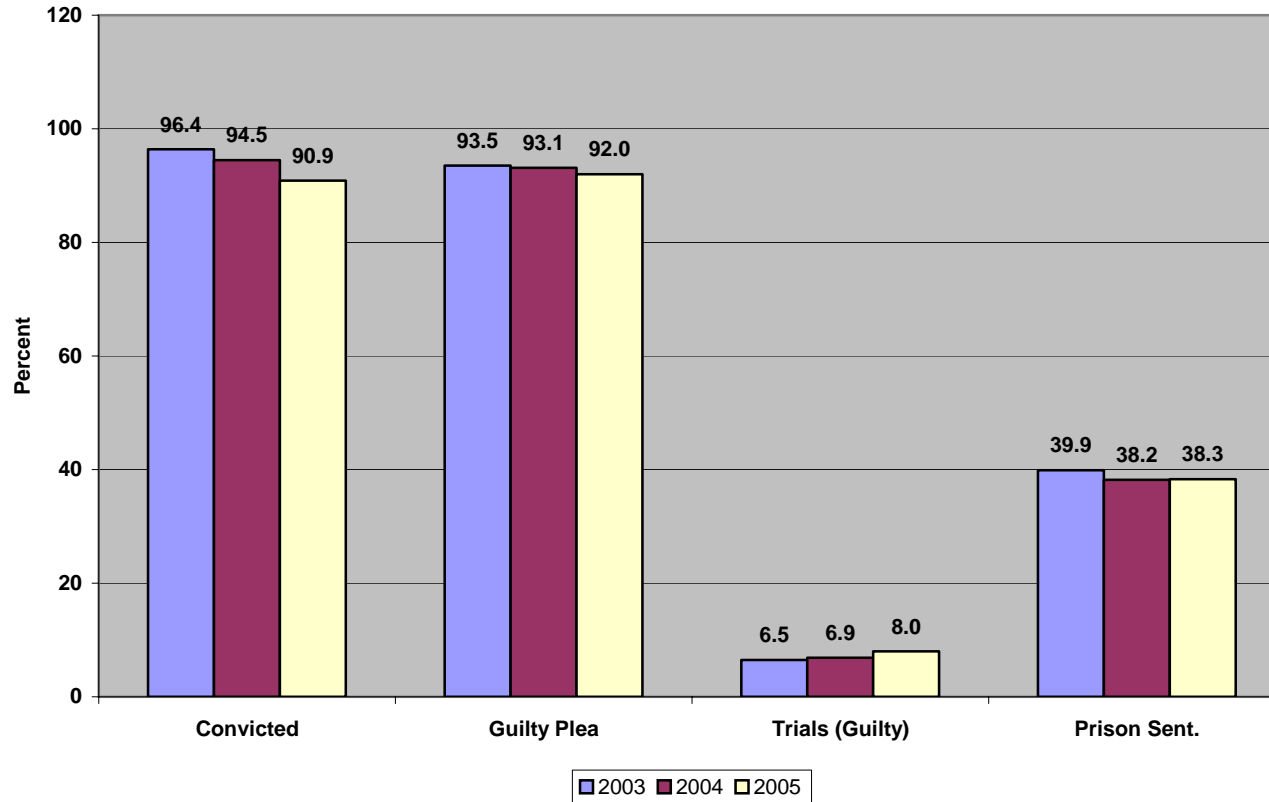


Chart 4 shows that the rate of convictions was 94.5% in 2004 and 90.9% in 2005. It also shows that, in 2005, 92% of convictions resulted from guilty pleas. That is down slightly from 2004. Likewise the percentage of convictions resulting from trials has increased slightly to 8%. The prison sentence figures show the increase in the percentage of convictions resulting in prison sentences for the same time period.

Table 4 (below) shows the way in which the conviction rates presented above were achieved for all disposed cases and by type of case. The categories with the greatest increases in dispositions in 2005 (Violence, Firearms) also show the largest numbers of dismissals and acquittals.

**Table 4: MONROE COUNTY FELONY CASES DISPOSED OF BY OUTCOME AND YEAR
2003-2005:**

FELONY CASES	Dispo Year	Outcome					Jury	Non- Jury
		Total	Conviction	Dismissed	Acquitted	Other Action		
TOTAL	2003	1,477	1,424	17	20	16	87	5
	2004	1,583	1,496	33	33	21	81	22
	2005	1,915	1,740	64	80	31	96	43
VIOLENT	2003	429	400	8	15	6	54	3
	2004	483	432	19	21	11	56	10
	2005	592	504	29	48	11	68	20
DRUG	2003	330	317	6	1	6	16	2
	2004	302	287	6	3	6	10	1
	2005	310	297	6	4	3	8	5
FIREARM *	2003	177	169	3	2	3	N/A	N/A
	2004	217	194	13	5	5	N/A	N/A
	2005	289	241	21	22	5	N/A	N/A

Source: Indictment Statistical System (Feb. 2006).

* Data on Firearm Trials were only available in aggregate levels for this time period: 2003 (23); 2004 (32); 2005 (54).

Note: Firearms are shown as a separate category because they are included in both the violent and other offense groupings.

7. Summary measures show increases in the probability that felony arrests will be resolved as felonies, and that felony dispositions will yield outcomes of guilty, and that guilty outcomes will yield prison sentences.

Table 5: PROBABILITIES* OF OUTCOMES OF FELONY CASE PROCESSING: SUMMARY MEASURES

	Year	Felony Arrests**	Felony Dispositions	Probability that Felony Arrest will be Disposed of as a Felony	Prison*** Sentence	Probability that a Felony Arrest will result in Prison
TOTAL	2003	4648	1939	0.42	568	0.12
	2004	4699	2001	0.43	572	0.12
	2005	4538	2356	0.52	666	0.15
VIOLENT	2003	1239	671	0.54	256	0.21
	2004	1212	674	0.56	277	0.23
	2005	1230	766	0.62	306	0.25
DRUG	2003	904	462	0.51	140	0.15
	2004	850	415	0.49	103	0.12
	2005	780	386	0.49	156	0.20
FIREARM	2003	351	185	0.53	98	0.28
	2004	319	180	0.56	132	0.41
	2005	319	226	0.71	157	0.49

* Since the entire process of arrest through sentencing may span more than 1 year, this table should not be interpreted as tracking individual cases but should be regarded instead as a general measure to be examined over time. These data should not be seen as reflecting prosecutorial decisions alone but instead reflect processes involving the police, prosecutors, and the courts.

** During this time period a small portion of felony arrests were referred for prosecution in Federal courts: 2003 (106); 2004 (70); 2005 (30).

*** Prison refers only to state correctional institutions run by the New York State Department of Corrections. Sentences to Monroe County Jail or Federal Prison are not reflected in these counts.

The analysis thus far shows that there have been substantial increases in raw numbers of felony dispositions, outcomes of guilty, and sentences to prison. These raw number increases are also accompanied by reductions in the conviction rate. This is an artifact of mathematical processes and should caution the reader from relying wholly on numbers or rates. To understand the impact of policy changes both figures must be considered together.

Table 5 (above) provides another means for approaching the differences noted above. The table illustrates the probabilities of outcomes and thus provides a means of simultaneously considering both the raw figures and rate changes. This table seeks to answer the general question “What is the net effect of the policy changes?”⁶

The table shows that for “total felony dispositions” and for dispositions in the “violent” and “firearm” categories the probability has increased that a felony arrest will be disposed of as a felony. In short, from 2003 through 2005 there has been a 2.4% decrease in felony arrests and a 17.7% increase in felony dispositions. At the same time there has been a 25% increase in the probability that a felony arrest will result in a prison sentence. The increase is greatest in the category of firearm offenses. From 2003-2005 there has been a 75% increase in the probability that a felony gun arrest will lead to a prison sentence.

8. The policy changes in the district attorney’s office are also associated with increases in the time it takes to dispose of cases.

The median time for disposal of cases in the first quarter of the year was 1 day in 2003, 10 days in 2004 and 57 days in 2005. This is the result of both a reduction and near elimination of early pleas that has accompanied the near elimination of the preliminary hearings.

Summary

The analyses above suggest that the changes in policy implemented by the District Attorney have had significant impacts on case processing and outcomes in his office. The results are consistent with the earlier version of this report, which examined data for the first quarter of the year.

Although felony arrests are down, there have been increases in cases disposed of as felonies. More of those cases have resulted from indictments and fewer from Superior Court Informations. The restrictions on plea bargaining and the near elimination of preliminary hearings have resulted in significant increases in the percentage of cases disposed of in upper courts (as felonies) and in the number of criminal trials. Furthermore, each of the target felony categories has seen an increase in sentences to state prison, 10% in Violent, 50% in Drug, and 20% in Firearm respectively. The increases in the volume of work have been accompanied by minor reductions in the percentage of cases ending in conviction and in increases in the time it takes to close cases. When overall outcomes are considered the data show that, for 2005, increases have occurred in the probability that a felony arrest would be disposed of as a felony, furthermore those dispositions are more likely to be guilty and, finally, the felony arrests are more likely to yield prison sentences than in 2003.

¹ We appreciate the assistance of Marge Cohen of the New York Division of Criminal Justice Services and thank her for helping with access to data and contributions to the analysis.

² Like all research there are limitations to this study that should encourage caution in interpreting results. In this case there may be factors that are not controlled for that may limit the usefulness of comparisons across time periods. Furthermore, disposal of cases in one time period does not indicate when that case was initiated. Finally, implementation of policy change is not likely to be sudden and complete and may not fully coincide with any specified time period.

³ Although arrests and disposition of cases during the same quarters do not deal with the same cases, we believe that is an important to examine arrest trends since they will establish the parameters for disposing of cases.

⁴ Informations reflect cases where prosecution, defense, and the court agree on a plea and sentence without going to grand jury. Indictments reflect felony prosecutions resulting from grand jury presentations.

⁵ Categories of offenses do not include all cases and therefore are not intended to add up to the total.

⁶ Interpretation of this table is based on the assumption that the cases from all years are drawn from the same population and therefore case processing policy rather than differences in the nature of the cases accounts for their different treatment over time.